

## COVINGTON &amp; BURLING

1201 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004-2401  
TEL 202.662.6000  
FAX 202.662.6221  
WWW.COV.COM

WASHINGTON  
NEW YORK  
SAN FRANCISCO  
LONDON  
BRUSSELS

DOBBY N. BURCHFIELD  
PARTNER  
TEL 202.662.6350  
FAX 202.778.8360  
DBURCHFIELD@COV.COM

April 16, 2004

## BY HAND DELIVERY

Jennifer L. Jones  
Reports Analysis Division  
Federal Election Commission  
999 E St., NW  
Washington, D.C. 20436

Re: Campaign for Working Families' Amended Year-End Report (7/1/03-12/31/03),  
Identification No. C00325076; and March Monthly Report (2/1/04-2/29/04),  
Identification No. C00325076.

Dear Ms. Jones:

This letter is in response to your letters of (i) March 17, 2004, concerning Campaign for Working Families' ("CWF") above referenced Year-End Report of receipts and disbursements, and Amended Year-End Report, electronically filed with the Commission, respectively, on January 31, 2004 and February 3, 2004<sup>1</sup>; and (ii) April 7, 2004, concerning CWF's above referenced March Monthly Report, electronically filed with the Commission on March 19, 2004. Copies of both letters are attached to this letter for your convenience as Exhibits A and B.

In your March 17 letter, you request clarification or further information from CWF on three matters in connection with CWF year end reports. First, you inquire about a receipt recorded in CWF's amended year end report involving Pinnacle List Company. Second, you inquire as to CWF's reasons for filing an amended year end disclosure report. Finally, you seek information concerning CWF's efforts to collect its contributors' full identification information. In your April 7 letter, you request information concerning a receipt recorded from Pinnacle List

<sup>1</sup> CWF's original amended year-end report was electronically filed with the Commission on Tuesday, February 3, 2004. Due to a minor correction that was needed in connection with that amended report's electronic data fields, discussed in greater detail below, a corrected amended year-end report was electronically filed by CWF on February 9, 2004.

FEDERAL ELECTION COMMISSION

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Company in connection with CWF's March Monthly Report. Your questions are addressed in full below.

**1. Receipts from Pinnacle List Company.**

CWF's amended year end report lists a receipt from Pinnacle List Company ("Pinnacle") in the amount of \$12,540.89. See Campaign for Working Families, Amended Year-End Report, p. 201. CWF's March Monthly Report lists a receipt from Pinnacle in the amount of \$12,994.29. See Campaign for Working Families, March Monthly Report, p. 20. You state that these receipts appear to be for goods or services purchased from CWF by Pinnacle. Pinnacle is a mailing list management company used by CWF that handles requests from outside parties who wish to rent CWF's mailing list. Pinnacle receives a request, typically from a third party's broker, and passes the request on to CWF, which, in turn, decides whether or not to approve the rental. If CWF approves the request, Pinnacle rents CWF's mailing list to the approved party, on a one time basis, and collects the fee from the renting party. Pinnacle then passes the mailing list fee on to CWF, minus a management fee. The receipts from Pinnacle reported by CWF on its amended year-end report and its March report reflect such payments by Pinnacle, resulting from the rental of CWF's mailing list. See Declaration of Dorie Black, ¶ 3, Ex. C.

CWF charges a rental fee of \$115 per thousand names for its mailing list, a fee developed in consultation with Pinnacle, a list management company with wide experience in the field. A copy of the mailing list rate sheet is attached to this letter as Exhibit D. The \$12,540.89 and \$12,994.29 receipts represent the rental of, respectively, approximately 197,120 and 200,000 names from CWF's mailing list. This fee is well within the "usual and normal charge" associated with such list rentals, particularly given CWF's active and engaged donor base. See Black Decl., ¶¶ 3-4, Ex. C.

**2. CWF's Amended Filing.**

As we understand your March 17 letter, you state that CWF's amended year-end report includes disclosures that were not included in the original year-end report. In particular you state that the amended year-end report discloses "additional receipts and disbursements totaling \$232,738.93 on Lines(s) 11(a)(i), 15, 17, and 21(b) of the Detailed Summary Page," and you ask for clarification as to why the differences in listed amounts, set forth below, were not included in CWF's original report.

**Line 11(a)(i):** CWF's original report listed \$60,631.32; CWF's amended report listed \$212,539.32.

**Line 15:** CWF's original report reported no dollars on this line. CWF's amended report listed \$22,336.65 under Column A, and \$40,113.42 under Column B.

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Line 17: CWF's original report listed no dollars on this line. CWF's amended report listed \$13,493.96 under Column A, and \$25,799.14 under Column B.

Line 21(b): CWF's original report listed \$65,365.96 under Column A, and \$83,385.68 under Column B. CWF's amended report listed \$130,466.02 under Column A, and \$313,330.57 under Column B.

CWF's original year end report, timely filed electronically on January 31, 2004, did not reflect the above differences due to the following extenuating circumstances. On Friday, January 30, CWF's headquarter offices, located in Shirlington, Virginia, were subjected to an area-wide power failure. CWF employees, including those responsible for filing CWF's year end report, were abruptly cut off from access to their office computers. Soon thereafter, the security management at CWF's offices ordered CWF's headquarters to be evacuated. See Black Decl., ¶¶ 5-12, Ex. C.

Despite these events, CWF assistant treasurer Dorie Black placed a telephone call to the Commission to explain CWF's dilemma and seek the Commission's guidance. We understand that the Commission instructed Ms. Black to use her best efforts to file as much as CWF had available at that time. *Id.* Unable to use CWF's computers, Ms. Black managed to partially reconstruct, and electronically file, CWF's year end report from her personal home computer. Without access to CWF's database, however, not all of CWF's receipts were available to Ms. Black at the time the report was electronically filed, nor did the balances on the report carry forward.

On the very next business day, Monday, February 2, with the power to CWF's headquarters restored, Ms. Black attempted to electronically file an amended year end report for CWF with the Commission. *Id.* The amended report, of course, contained information that was inaccessible to CWF at the time its original report was filed because of the above circumstances. When Ms. Black attempted to electronically file CWF's amended report, however, the Commission's software refused to acknowledge it; CWF's original electronic report had been created on Ms. Black's personal home computer, and the Commission's software would not accept an amended electronic report from CWF's offices. *Id.* Ms. Black remedied this problem as quickly as possible, and filed CWF's amended year end report on February 3, 2004.

On Friday, February 6, 2004, Ms. Black received a call from Mr. Ken Lally at the Commission advising her that CWF's electronic amended report filed on February 3 needed to be corrected, as CWF's contributors' full names had been inadvertently listed in the "Last Name" data field. The following Monday, February 9, 2004, CWF's corrected amended year-end report was electronically filed with the Commission. *Id.* In consideration of the foregoing, it is clear that CWF filed a timely year-end report, and amended that report as quickly as possible under the extenuating circumstances.

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### 3. CWF's "Best Efforts".

Finally, you request that CWF provide an explanation of its efforts in seeking to obtain the full name, mailing address, occupation and name of employer for each of its contributors. As you are aware, in order for a political committee to demonstrate that it has used its best efforts to comply with the contributor itemization and identification requirement, a committee must do the following. All of the committee's written solicitations must include a clear request for the contributor's full name, mailing address, occupation and employer. 11 CFR § 104.7(i). A sample of a typical CWF solicitation letter and contribution form are attached, respectively, as Exhibits E-1 and E-2. See Black Decl., ¶ 14, Ex. C. As you will see, the contribution form clearly and conspicuously features a section for contributors to include their identification information. This section, which CWF sets forth in the same type face as the rest of the information contained on its contribution form, clearly states "[f]ederal law requires us to ask the following: ..." and is in compliance with 11 CFR § 104.7(b)(1).

In cases where CWF receives a contribution from an individual who has chosen not to fill out the identification section of the contribution form, CWF sends a follow-up letter to that individual within thirty (30) days of receiving the contribution, in accordance with 11 CFR § 104.7(b)(2). See Black Decl., ¶¶ 13-14, Ex. C. An example of the follow-up letter used by CWF for this purpose is attached as Exhibit F. *Id.* CWF's system for obtaining their contributors' full identifying information clearly falls within the Commission's definition of "best efforts" set forth in 11 CFR § 104.7. Of course, as the Commission is well aware, contributors themselves are under no legal obligation to supply such information, or to respond to a committee's follow-up requests.

Please contact me, (202)-662-5350, if you have any questions concerning this letter.

Sincerely,

  
Bobby R. Borchfield

**Federal Election Commission  
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